

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

OCT 03 2020

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA
v.

CRIMINAL COMPLAINT

Andres Vargas-Garcia

Principal

United States

Case Number:

YOB: 1986

M-20-2068 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 1, 2020 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Pedro Linares-Perez, and Joel Gonzalez-Nieves, citizens and nationals of Mexico, along with seven (7) other undocumented aliens, for a total of nine (9), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Donna, Texas to the point of arrest near Donna, Texas, by way of motor vehicle,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

SEE ATTACHED

On October 1, 2020 a concerned citizen relayed information to the Weslaco Border Patrol Station, about a grey in color jeep, picking up possible illegal aliens near McManus and Bell's Brothers farms south of Donna, Texas. The information was relayed via service radio to Border Patrol Agents in the field. This area is well known for alien and narcotic smuggling, due to the proximity to the Rio Grande River.

A short time later, an Agent observed a grey SUV, driving north of the area known as the "McManus gap", near Donna, Texas. The agent proceeded to follow the vehicle in order to conduct an immigration inspection. The agent activated his emergency equipment and the driver stopped his vehicle.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA Michael Mitchell

/s/ Jose E. Diaz

Signature of Complainant

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

Jose E. Diaz Border Patrol Agent

Printed Name of Complainant

October 3, 2020
Date

@ 10:18 AM

at McAllen, Texas
City and State

J. Scott Hacker, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-20-2068M

RE: Andres Vargas-Garcia

CONTINUATION:

The agent approached the grey jeep and made contact with the driver, later identified as Andres Vargas-Garcia, who claimed to be a United States Citizen. Contact was also made with the front seat passenger, later identified as Gloria Linda Cavazos, a United States Citizen. Agents observed nine (9) more subjects crammed in the back seat. All nine (9) subjects were determined to be illegally present in the United States.

At this time, Vargas was read his Miranda Rights and placed under arrest. He was transported to the McAllen Border Patrol Station to be processed accordingly.

Principal Sworn Statement:

Andres Vargas-Garcia, a United States Citizen, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a statement.

Vargas claimed he was in need of money and a friend offered him a job picking up illegal aliens. Vargas admitted he picked up eight (8) to nine (9) illegal aliens and was to be paid \$300 per each illegal alien. Vargas stated that he was receiving instructions via his cellular phone and added that the vehicle he used was provided to him by the people who hired him.

Material Witness 1 Statement:

Pedro Linares-Perez, a citizen of Mexico, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a statement.

Linares claimed he made his own smuggling arrangements and was to pay \$5,000 once he arrived in Houston, Texas. Linares claimed that he used a raft to cross the river into the United States with eight (8) other people and one (1) rafter. After crossing the river, the rafter gave the group a description of the vehicle that would be picking them up. After approximately fifteen (15) minutes of waiting, a gray Jeep Cherokee arrived to pick them up. Linares mentioned that the driver and passenger never spoke to the group, only offered them water. Linares stated that after driving for approximately fifteen (15) minutes, he overheard the driver say "I should just stop", as they were pulled over by Border Patrol.

Linares identified Andres Garcia-Vargas, through a photo lineup, as the driver of the vehicle he was being transported in.

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Material Witness 2 Statement:

Joel Gonzalez-Nieves, a citizen of Mexico, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a statement.

Gonzalez claimed he made his own smuggling arrangements and has paid \$1,500 to be smuggled and transported to Weslaco, Texas. Gonzalez stated that he used a raft to cross the river into the United States with eight (8) other subjects. Gonzalez added that the group waiting in the brush for about ten (10) minutes, until they were picked up by a green or gray colored SUV, similar to a Cherokee.

Gonzalez mentioned that once Border Patrol got behind their vehicle, the female passenger instructed the driver to stop.

Gonzalez identified Andres Vargas-Garcia, through a photo lineup, as the driver of the vehicle he was being transported in.